

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

-----X  
G.S., a minor below the age of 18, by her  
father and natural guardian, MORRIS S.,

PLAINTIFFS,

-against-

Case No:  
15-CV-3086

CONGREGATION LEV BAIS YAAKOV d/b/a LEV BAIS  
YAAKOV HIGH SCHOOL, RIVKA ORATZ and SHMIEL  
DEUTSCH a/k/a SAM DEUTSCH,

DEFENDANTS.

-----X

DATE: December 3, 2015

TIME: 10:30 A.M.

VIDEOTAPED DEPOSITION of the  
Defendant, LEV BAIS YAAKOV HIGH SCHOOL, by  
a witness, BATYA BARBARA SOCHACZEWSKI,  
taken by the Plaintiffs, pursuant to a  
Court Order and to the Federal Rules of  
Civil Procedure, held at the offices of The  
Berkman Law Office, LLC, 111 Livingston  
Street, Brooklyn, New York 11201, before  
Breindle Sara Friedman, a Notary Public of  
the State of New York.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

A P P E A R A N C E S:

THE BERKMAN LAW OFFICE, LLC  
Attorneys for the Plaintiffs  
111 Livingston Street  
Brooklyn, New York 11201  
BY: ROBERT TOLCHIN, ESQ.

RUTHERFORD & CHRISTIE, LLP  
Attorneys for the Defendants  
800 Third Avenue  
New York, New York 10022  
BY: ADAM GUZIK, ESQ.  
File #: 212.472

ALSO PRESENT:  
Nathaniel Armstrong, Videographer  
Diamond Reporting & Legal Video

\* \* \*

1 B. SOCHACZEWSKI

2 really presented the problem and he made  
3 the decision.

4 Q. Let's talk about that call.  
5 You mentioned that you received a phone  
6 call?

7 A. I came out of class teaching  
8 one day. Again, I am new. It's very, very  
9 beginning.

10 Q. It's December.

11 A. Pretty beginning. For me it  
12 was the beginning. As I passed the  
13 secretary desk she told me that a woman had  
14 called several times not identifying  
15 herself but insisting with speaking to any  
16 principal. I said okay, transfer it.

17 Q. This woman was on the phone  
18 again?

19 A. Right. As I was passing by the  
20 office, so I said transfer it into my  
21 office and I answered the phone. The woman  
22 had a lot of emotion in her voice. Her  
23 voice was shaking. It seemed to be  
24 difficult. She refused to identify  
25 herself. She said you will understand that

1 B. SOCHACZEWSKI

2 I can't. She said that she -- you want to  
3 hear the whole --

4 Q. Tell me what she said to you  
5 and what you said to her during that call.

6 A. She said that she periodically  
7 just does spot checks on her son's phone.  
8 If I recall correctly she said her son was  
9 in eighth grade. Found -- she just does  
10 this as a good parent to check to see what  
11 was going on her son's phone. Found a nude  
12 picture of a girl on it. Shocked she  
13 confronted her son who said oh, that is  
14 using the plaintiff's name, tenth grade Lev  
15 Bais Yaakov and she asked her son where did  
16 you -- she was horrified. Where did this  
17 come from. She said, oh, she sent it to a  
18 certain boy who then sent it to several  
19 other boys. I asked her at that point can  
20 you send me the picture and she said my  
21 husband is a lawyer. He said it's child  
22 pornography, I cannot send it to you. He  
23 told me to get rid of it. He told me to  
24 get rid of it. He told me you do not want  
25 to be in possession of this picture even

1 B. SOCHACZEWSKI  
2 for a second. It made sense to me although  
3 I would have liked to have possession of  
4 the picture not that I wanted, but she said  
5 I will describe to you. And she proceeded  
6 to describe -- I don't remember exactly the  
7 words that she said, but in my mind she was  
8 very credible. She described what the  
9 plaintiff looked like. She described what  
10 the plaintiff looked like and again, she  
11 said my son said it's [REDACTED]  
12 That's what she said. Tenth grade Lev Bais  
13 Yaakov High School. The description  
14 matched the girl that was sitting in our  
15 classroom.

16 Q. What was the description?

17 A. I asked her -- she described  
18 her hair. I can't remember exactly at this  
19 point. It's two years ago.

20 Q. Blond hair?

21 A. Blond hair. A little wild  
22 blond hair. I don't remember the exact  
23 conversation.

24 Q. Anything else?

25 A. To me at the time it sounded

1 B. SOCHACZEWSKI

2 very, very credible. Again when I said  
3 maybe you should send me the picture she  
4 said her husband said it's absolutely not,  
5 it's child pornography. I cannot be in  
6 possession. I cannot send it. I am  
7 deleting it. I hung up the phone. I saw  
8 -- the first person I saw was Tova Bollag  
9 our student advocate, our social worker and  
10 I told her what happened. I was shaking.  
11 It was really something I had never  
12 experienced before. Did not want to have  
13 to experience something like this. I  
14 thought I had a plan in place for her from  
15 that parent meeting of how we were going to  
16 try to deal and accommodate her as best as  
17 we can and see if the accommodation plan  
18 that I had come up with the parents could  
19 be put into place. And this was right  
20 after and to try to help her academically  
21 and see if the plan that I had put into  
22 place could work and we could keep her as a  
23 successful student in the school. And if  
24 not then reevaluate it in the spring with  
25 the parents and come to try to think of

1 B. SOCHACZEWSKI

2 something that is going to help her. This

3 really just -- it just threw me. I told

4 Tova and then I told -- I told Tova what

5 happened. She told -- I said we really --

6 the number is still on the caller ID, maybe

7 I should call her back and ask her again

8 for the picture. And she said absolutely

9 not. There was a case near where she lived

10 of a principal that received a picture of a

11 student in similar circumstances and was

12 arrested and absolutely not, you cannot be

13 in possession of something like that. So I

14 felt like my hands at this point were tied.

15 To the best of my recollection I can't say

16 it's accurate, I think then Mrs. Oratz

17 walked in. I think that she might have

18 been teaching at the same time or wherever

19 she was coming into the offices we told her

20 what happened. And I did not know the

21 protocol yet of the school. I wasn't used

22 to how things of this nature is dealt with.

23 And to my recollection Mrs. Oratz said that

24 we have to go Rabbi Deutsch. This is Rabbi

25 Deutsch's -- Rabbi Deutsch has to handle

1 B. SOCHACZEWSKI

2 this. This is beyond what we can do.

3 Q. It was Oratz's idea to take it  
4 to Deutsch?

5 A. That was the protocol. It  
6 could be Tova was part of the decision. I  
7 was new. I didn't know --

8 Q. It wasn't your idea?

9 A. It wasn't my idea because I  
10 wasn't a hundred percent sure of what the  
11 protocol in the school. My old school I  
12 would know who to go to with this kind of  
13 this nature. I didn't have so much  
14 dealings with Rabbi Deutsch at this point.  
15 At this point I would know that is the kind  
16 of decision you bring to him. But  
17 Mrs. Oratz spent the first year holding my  
18 hand and showing me the ropes of the  
19 cultural of the school. Very, very  
20 different than my previous school. A lot  
21 more open communication with the parents  
22 which I think is wonderful, more open  
23 communication with the students. I didn't  
24 know the protocol. So I believe to the  
25 best of my recollection it was Mrs. Oratz



1 B. SOCHACZEWSKI

2 that said. It could be Tova also said it  
3 and the three of us went down to the office  
4 and presented to it Rabbi Deutsch.

5 Q. Did any of you discuss whether  
6 you should call the plaintiff and ask her  
7 about this allegation?

8 A. My first -- again, I don't  
9 remember if I had said this out loud or if  
10 it was just my initial reaction before I  
11 met Tova, was to call the plaintiff in and  
12 ask to see her phone. I was just saying  
13 when I thought about it I was afraid that  
14 that would be considered a violation of her  
15 privacy to make her show me her phone right  
16 then.

17 Q. How about to say I got this  
18 call and this is what someone said?

19 A. I was uncomfortable. I was  
20 uncomfortable with it. I thought about  
21 doing that but I was uncomfortable with  
22 that. I thought of also -- again, I don't  
23 know if I verbalized this with Mrs. Oratz  
24 and Tova or if it was just in my mind, just  
25 I thought of it. I thought of maybe

1 B. SOCHACZEWSKI

2 calling -- having the secretary call the  
3 parents to come down immediately, have them  
4 look through her phone in front of us. It  
5 just wasn't very practical. It was hard to  
6 deal with the mother. The mother is hard  
7 of hearing and I found it difficult to have  
8 a conversation with her. I am not great at  
9 it as much as I would try. And calling the  
10 father down, it was already -- I don't  
11 remember what time of day it was. We just  
12 decided that we will have the conversation  
13 with the parents. I am sorry. We just  
14 decided we are going down to Rabbi Deutsch  
15 and let Rabbi Deutsch make the decision on  
16 how to proceed. If he wants to call the  
17 parents down he can call the parents.  
18 Whatever he did, whatever he made the  
19 decision to do.

20 Q. Is it correct you have no idea  
21 who the caller was?

22 A. That is correct. She refused  
23 to identify. I believe --

24 Q. The caller's number was in the  
25 caller ID of the school?

1 B. SOCHACZEWSKI

2 A. At that time and that is why --

3 Q. Did you write it down?

4 A. I didn't. I was shaken.

5 Q. It's a yes or no question.

6 A. No, I did not write it down.

7 Q. Did you make any notes while  
8 you were talking to the caller?

9 A. I might have been doodling  
10 making notes. I sometimes do that. It  
11 wasn't anything that I kept past that  
12 point.

13 Q. Did you write up any kind of a  
14 memo or official note to put in the  
15 plaintiff's folder about what had happened?

16 A. I didn't. I was shaken. I  
17 spoke to Tova, Mrs. Oratz and we worked it  
18 out.

19 Q. Did Mrs. Oratz or Mrs. Bollag  
20 make any note about the conversation?

21 A. I have no idea.

22 Q. Did you recognize the caller's  
23 voice?

24 A. No. Not at all.

25 Q. Did it seem familiar in any

1 B. SOCHACZEWSKI

2 way?

3 A. No.

4 Q. Do you know the identity of the  
5 boy?

6 A. No. She was protecting that.

7 Q. Protecting him from what?

8 A. She was protecting her son.

9 She didn't need it to get back -- she  
10 didn't tell me school he was going to.

11 Q. Didn't want it getting back to  
12 his school?

13 A. Right.

14 Q. She was worried her son might  
15 get thrown out of his school?

16 A. I can't say what she was  
17 worried about. She just said I can't get  
18 my son involved. He says he got it from  
19 someone else who sent it to several boys.

20 Q. Potentially there was a whole  
21 class of boys --

22 A. I don't know.

23 Q. -- who were transgressing  
24 what's a major problem in the realm of  
25 Jewish schools and she was -- this voice on

1 B. SOCHACZEWSKI

2 the phone was protecting all that?

3 A. I have no knowledge of what was  
4 going through her mind. She told me she  
5 has to protect her son. She can't say her  
6 identity or the school that the child goes  
7 to.

8 Q. She was protecting her son --

9 A. She did not say at all that it  
10 was members of the boy's class. I believe  
11 that it could be a faulty recollection,  
12 that she told me that her son was in eighth  
13 grade. It could have been neighborhood  
14 boys. I have no idea. She just said it  
15 was sent to another boy and the boy  
16 subsequently sent it to several other boys.

17 Q. This caller on the phone while  
18 protecting her own son and potentially his  
19 friends was calling the girl's school which  
20 would obviously result getting her in  
21 trouble, that is a way to describe what  
22 happened?

23 A. I can't tell you what was going  
24 through her mind. She felt --

25 Q. I didn't ask what was in her

1 B. SOCHACZEWSKI

2 mind. Looking at her actions, at the same  
3 time she was protecting her son and his  
4 friends, but simultaneously getting the  
5 girl involved in trouble, that is the  
6 schematic diagram of what's going on.

7 A. I can't answer that because I  
8 don't know what she did. She may have  
9 contacted the other parents or the school  
10 that the other boys attended.

11 Q. But she said she needed to  
12 protect her son. If she had contacted her  
13 son's school and told them about it there  
14 wouldn't be any problems to identify  
15 herself.

16 A. I don't know that the boy who  
17 supposedly disseminated the information,  
18 disseminated the picture is in her son's  
19 school. I have no knowledge of this, so I  
20 can't answer.

21 Q. Did you tell the mother that  
22 she should report it to her son's school?

23 A. I did not. I was shaken. I  
24 did not.

25 Q. Did you call the police?

1 B. SOCHACZEWSKI

2 A. No.

3 Q. This mother just told you that  
4 her husband the lawyer had told her that  
5 she was in possession of child pornography  
6 and that it was illegal. That is what you  
7 told me, correct?

8 A. I did not think it through like  
9 that. I was shaken. I spoke to  
10 Mrs. Bollag and Mrs. Oratz, we went to  
11 Rabbi Deutsch to make a decision.

12 Q. Are you a mandated reporter of  
13 child abuse?

14 A. If I see child abuse -- any  
15 school official is a mandated reporter if  
16 they see --

17 Q. If they become aware of what,  
18 what do you have to mandatorially report?

19 A. If there is child abuse  
20 suspected. If there is a credible --

21 Q. Would a minor being -- would a  
22 minor sending out pornographic pictures of  
23 herself or somebody possessing pornographic  
24 pictures of a minor be a child abuse  
25 situation?

1 B. SOCHACZEWSKI

2 A. I can't tell you for sure, but  
3 I would say that if someone's sending  
4 pictures of themselves, that is not a child  
5 abuse situation.

6 Q. What about somebody possessing  
7 naked pictures of a minor, is that --

8 A. I would imagine so.

9 Q. This mother just told you that  
10 the picture was of a nature that her  
11 husband the lawyer had said she could go to  
12 jail for possessing it, right?

13 A. Right.

14 Q. Your social worker Ms. Bollag  
15 told you that a principal had even gone to  
16 jail for possessing such a picture even in  
17 a benign circumstance?

18 A. Correct.

19 Q. Why would you think that  
20 possessing such a picture would not be a  
21 reportable issue?

22 A. I was dealing with the issue  
23 that had just been thrown on my plate. I  
24 was not thinking in terms of the woman now  
25 has a picture that was -- her son had. She



1 B. SOCHACZEWSKI

2 told me she's deleting it. She wants no  
3 part of it. To me that is just something  
4 that just happened. Also --

5 Q. Did you go through training  
6 about mandated reporting?

7 A. Many, many -- actually, I will  
8 tell you the truth is I don't even know if  
9 I did. If I did it was many years ago.

10 Q. Were you ever instructed that  
11 when you have a situation that you are not  
12 sure whether it's to be reported or not you  
13 should report it and let the authorities  
14 make the determination whether there is  
15 something that needs to be reported or not?

16 A. Not to my knowledge. To me  
17 this was not --

18 Q. That never happened?

19 A. No. To me this was not a  
20 clearcut thing of child abuse. Meaning  
21 that her underage son who was younger than  
22 the plaintiff received a picture  
23 purportedly sent through --

24 Q. The underage son, the mother,  
25 presumably the underage son's father the

1 B. SOCHACZEWSKI

2 lawyer, and other boys in the class all had  
3 this piece of child pornography.

4 A. The mother didn't possess it.  
5 It was on her son's phone.

6 Q. Which was now in her hand which  
7 she was looking at.

8 A. I did not think so far into  
9 this.

10 Q. Needless to say, you did not  
11 report it?

12 A. Correct.

13 Q. And the mother told you she was  
14 deleting it?

15 A. Yes. She said her husband said  
16 that it's not -- that it's something that  
17 -- she told me my husband said you don't  
18 want to have possession and we cannot have  
19 possession of this.

20 Q. Would you agree that once the  
21 picture is deleted there is no way to look  
22 at it and see if it was really the  
23 plaintiff?

24 A. There is technology today if  
25 you possessed the cell phone of the

1 B. SOCHACZEWSKI

2 plaintiff, if you possessed any of these if  
3 you know the provider, in technology you  
4 could get it back.

5 Q. But you can't do that if the  
6 woman says she deleted it, didn't send it  
7 to you and you didn't write down her phone  
8 number and you don't know her name, there  
9 is no way to get it back now, right?

10 A. I am not a technology expert so  
11 I really can't answer that question.

12 Q. You think you can get it back  
13 from someone if you don't even know who it  
14 is?

15 A. No. Not from that avenue.  
16 Perhaps from the plaintiff's side. If the  
17 plaintiff's phone was produced or if the  
18 plaintiff's provider was produced.

19 Q. From that angle?

20 A. From that angle there is a  
21 possibility. Again, I am not a  
22 technologist.

23 Q. If it had truly emanated from  
24 the plaintiff, that would only apply if it  
25 had truly emanated from the plaintiff.

1 B. SOCHACZEWSKI

2 A. I would imagine so.

3 Q. There is a lot of people in the  
4 world who have blond wild hair, right?

5 A. There are. There were also --  
6 but there was other identifying features  
7 such as her name, the school and the  
8 classroom.

9 Q. What we have there was this  
10 woman who you don't know who it is said  
11 that her son who you don't know who it is  
12 said that it was G.S. from Lev Bais Yaakov,  
13 right?

14 A. Correct.

15 Q. So it was three layers of  
16 hearsay?

17 A. Correct. I can just tell you  
18 to me it sounded like a very credible call.  
19 The woman's voice was shaking. If I can't  
20 get the picture because it's child  
21 pornography I didn't see what other avenue  
22 to do and that is why it was not my  
23 decision. I just presented the facts.

24 Q. You can call the police and let  
25 the police check out the picture.

1 B. SOCHACZEWSKI

2 MR. GUZIK: Objection. Is  
3 that a question?

4 Q. Wouldn't that be an option you  
5 could have followed?

6 A. It's not something that I would  
7 even have thought of.

8 Q. You could call the school's  
9 rabbinic advisory board, call Rabbi Cohen  
10 and Rabbi Kamenetsky and say what should I  
11 do; is that something you could do?

12 A. That is something that is  
13 really Rabbi Deutsch's as the executive  
14 director. That was the protocol there was.  
15 We went with him to Rabbi Deutsch. We went  
16 with the situation to Rabbi Deutsch. At  
17 that point I would not have thought to call  
18 Rabbi Deutsch -- Rabbi Cohen. I put it in  
19 Rabbi Deutsch's lap.

20 Q. Would you agree with me that  
21 there is other ways that the caller might  
22 have been able to describe the plaintiff  
23 other than seeing a naked picture of her on  
24 her son's phone?

25 A. I am not sure that I understand

1 B. SOCHACZEWSKI

2 the question.

3 Q. You say that the caller gave a  
4 description of the plaintiff's appearance,  
5 correct?

6 A. Correct.

7 Q. Would you agree with me that  
8 the fact that she was able to give a  
9 description of the plaintiff's appearance  
10 does not necessarily mean that she had seen  
11 a naked picture of the plaintiff, correct?

12 A. Correct.

13 Q. She could simply be somebody  
14 who knows the plaintiff?

15 A. That could be.

16 Q. I could give a description of  
17 Mr. Guzik, right?

18 A. Correct.

19 Q. Doesn't mean I have a naked  
20 picture of him, does it?

21 A. Correct.

22 Q. If a person was looking to hurt  
23 the plaintiff by making a false report that  
24 the plaintiff had sent a naked picture of  
25 herself, a person could do that, correct?

1 B. SOCHACZEWSKI

2 A. Technically. I don't believe  
3 it was the case.

4 Q. But you have no way to know?

5 A. I can just -- being a judge --  
6 being -- dealing with people on a daily  
7 basis for so long the call sounded  
8 credible. The woman was shaking. She did  
9 not sound like she wanted to make this  
10 phone call. It sounded just like she felt  
11 that she had to do it. And as far as I  
12 could determine she sounded very credible.

13 Q. Isn't it possible that the  
14 reason --

15 MR. GUZIK: Can you let my  
16 client finish her sentence?

17 MR. TOLCHIN: She finished.

18 MR. GUZIK: No, she didn't.  
19 You keep interrupting her.

20 A. I felt it was credible. That  
21 she sounded credible to me. I had tried to  
22 get ahold of the picture. She told me what  
23 her husband who was a lawyer had said. It  
24 did make sense to me and I felt that I  
25 couldn't -- that there was nothing else I

1 B. SOCHACZEWSKI

2 can do and that is why we presented it to  
3 Rabbi Deutsch.

4 Q. Have you ever-- isn't it  
5 possible that the person who called was  
6 nervous because they were calling in a  
7 false report of some kind of grievous  
8 conduct, wouldn't that maybe somebody  
9 nervous?

10 A. Possibly.

11 Q. You are lying, that is why you  
12 are nervous?

13 A. Possibly.

14 MR. GUZIK: Is that a question?

15 A. That did not sound like that to  
16 me. To me it sounded like someone that was  
17 conflicted because they did not really want  
18 be involved with this especially she has  
19 her son involved and just felt it was her  
20 responsibility to do so. That is how it  
21 sounded to me.

22 Q. Did you ever hear of someone  
23 being prosecuted for possession of child  
24 pornography?

25 A. You do hear it on the news



1 B. SOCHACZEWSKI

2 every once in a while. It's not something  
3 that I am --

4 Q. But it happens, there are  
5 people in jail for child pornography.

6 MR. TOLCHIN: Can you stop  
7 waving your hands in front of the  
8 camera.

9 Let the record reflect Counsel  
10 is waving his hand like a monkey.

11 Q. You have heard of people who  
12 were convicted for child pornography?

13 A. I definitely have heard.

14 Q. Would you agree with me that  
15 that means that the police officer, the  
16 prosecutor, the judge, the jury, probably  
17 even the defense lawyer all at some point  
18 saw a copy of whatever was the alleged  
19 pornography?

20 A. Possibly. I have no firsthand  
21 knowledge of any this. This is really not  
22 within my realm.

23 Q. Have you ever heard of somebody  
24 being convicted for possession of child  
25 pornography that nobody saw and was

1 B. SOCHACZEWSKI

2 deleted?

3 A. I have never heard of anything  
4 like that.

5 Q. Could you imagine going to jail  
6 for that, somebody said I have a picture of  
7 child pornography but I deleted it and you  
8 can't see it and I am not going to tell you  
9 who I am, can you imagine somebody being  
10 prosecuted for that?

11 A. No. That is not police.

12 Q. That would be really unfair,  
13 right?

14 A. This is not -- there was no  
15 criminal action involved here. This is a  
16 private school making a decision.

17 Q. Based on a report from an  
18 anonymous caller about something that  
19 nobody saw.

20 MR. GUZIK: Is there a  
21 question?

22 Q. Is that correct?

23 A. I would guess so.

24 THE VIDEOGRAPHER: This marks  
25 the end of tape two. Time is 12:54

1 B. SOCHACZEWSKI

2 p.m. on December 3, 2015. We are now  
3 off the record.

4 (Whereupon, a brief recess was  
5 taken.)

6 THE VIDEOGRAPHER: This marks  
7 the beginning of tape three in the  
8 deposition of Batya Barbara  
9 Sochaczewski. Time is 1:03 p.m. on  
10 December 3, 2015. We are now back  
11 been on the record. You may proceed.

12 Q. Based on the call, was there  
13 any way to determine, assuming there was a  
14 picture of the plaintiff, is there any way  
15 to determine when that picture had been  
16 taken?

17 A. I have -- that is not something  
18 that I would have knowledge of.

19 Q. Is it possible -- based on the  
20 information you have, isn't it possible the  
21 picture was from a year before?

22 A. Anything is possible. I have  
23 no way of knowing that.

24 Q. You had no way to know if that  
25 was a current picture or an old picture?

1 B. SOCHACZEWSKI

2 A. I have no way of knowing.

3 Q. I know you said you found the  
4 caller believable. But really you have no  
5 way of knowing for sure whether the caller  
6 was telling the truth or just making it up,  
7 correct?

8 A. I can just tell you what my gut  
9 feeling was based on experience --

10 Q. You have no way of knowing --

11 A. -- emotion in her voice.

12 Q. -- if the caller was mistaken?

13 A. To me she sounded very  
14 credible.

15 Q. One possibility would be that  
16 the caller was making up what happened.  
17 Wouldn't another possibility be that yes,  
18 indeed, the boy had a naked picture of some  
19 wild blond hair girl and he said that is  
20 G.S. from Lev Bais Yaakov?

21 A. Anything is possible. It  
22 sounds to be pretty far-fetched. Anything  
23 is possible.

24 Q. An eighth grade yeshiva boy who  
25 is caught by his mommy with a naked girl's

1 B. SOCHACZEWSKI

2 picture in his phone would be likely to  
3 make up a far-fetched story to get out of  
4 trouble, wouldn't he?

5 A. Why use the -- I don't see the  
6 point of using specifically that the  
7 plaintiff's name. Could be any -- make up  
8 a name. Why --

9 Q. He could make up a name?

10 A. He could make up any name. Why  
11 specifically that name. They could just  
12 make up a name that doesn't exist. To me  
13 that sounds really very far-fetched.

14 Q. That would be a good question  
15 why he would choose a name, but you agree  
16 he could make up a name?

17 A. Anything is possible.

18 Q. Was there a reason you didn't  
19 write down the number on caller ID?

20 A. My initial reaction -- not my  
21 initial reaction, but as soon as I  
22 discussed with it Tova and Tova said -- I  
23 said to Tova Bollag our student advocate  
24 maybe the number is still on caller ID in  
25 the secretary's office, maybe we should

1 B. SOCHACZEWSKI

2 call back and ask again for the picture.  
3 She told me picture -- you can't be in  
4 possession of that picture. She told me  
5 about what happened with the principal in  
6 the Five Towns. At that point I didn't see  
7 the purpose of writing down the number.

8 Q. An issue of being -- one issue  
9 of being in possession of the picture,  
10 maybe you could call the person back and go  
11 over to her house and see it?

12 A. She told me she was deleting  
13 it. She told me her husband was a lawyer.  
14 She sounded like she wanted out of this  
15 whole situation quickly. I didn't think of  
16 a situation like that. I did not think of  
17 that kind of a situation. She didn't want  
18 to identify herself so I doubt that she  
19 would have given me her address. When I  
20 asked her who is calling she wouldn't give  
21 me her name.

22 Q. Would you agree with me that if  
23 there was a naked picture of the plaintiff  
24 that the plaintiff might have been being  
25 victimized in some way?

1 B. SOCHACZEWSKI

2 A. I have no way of knowing that.  
3 I have no way of knowing that.

4 Q. Would you agree with me that  
5 if, for example, the plaintiff had been  
6 tricked by an adult to pose nude for  
7 pictures and that adult was then  
8 disseminating the picture or selling the  
9 picture, that would be an example of the  
10 plaintiff being victimized?

11 A. I really don't know.

12 Q. Have you ever heard of young  
13 girls being tricked into posing for  
14 pornography?

15 A. I have heard of it. I have not  
16 heard of it in our circles.

17 Q. Really?

18 A. Could be that it happens. It's  
19 not something that I have personal  
20 knowledge of.

21 Q. Did you ever hear of a  
22 situation where a man was selling or  
23 sharing pornography pictures of little  
24 boys?

25 A. In our community, no.

1 B. SOCHACZEWSKI

2 Q. A man who had a child or  
3 children attending Shulamith High School?

4 A. Never heard of it.

5 Q. Did you hear of a situation  
6 where those boys were identified by a rabbi  
7 someplace who saw the picture and tracked  
8 down who the boys were based on the  
9 furniture or carpet in the background of  
10 the picture?

11 A. I never heard of any of this.

12 Q. You never heard that story?

13 A. No. It sounds like I am glad  
14 that I haven't. It's not something that I  
15 heard of. It's my first time hearing this.

16 Q. When you heard that there was  
17 this naked picture of the plaintiff, did it  
18 remotely cross your mind that the plaintiff  
19 may have been victimized by somebody?

20 A. No.

21 Q. Have you ever heard of somebody  
22 rigging a camera to take pictures of women  
23 without their knowledge when they are in  
24 states of nudity?

25 A. I have heard that.



1 B. SOCHACZEWSKI

2 Q. Did that happen within the  
3 orthodox Jewish Community?

4 A. Not that I can clearly recall.  
5 It could happen. I am not saying that it  
6 can't happen. I can't recall of anything.

7 Q. Did you ever hear that a rabbi  
8 rigged a camera within a women's mikvah in  
9 order to take pictures of women?

10 A. I feel like I am living in a  
11 different century. I never heard of any of  
12 this.

13 MR. GUZIK: Can you explain the  
14 Hebrew words?

15 Q. Ritual bath. You did not hear  
16 that a rabbi of the prominent synagogue in  
17 Washington, D.C., was recently arrested and  
18 prosecuted and sentenced to many years in  
19 jail for photographing women in the mikvah  
20 through a hidden camera in a clock radio  
21 within the mikvah?

22 A. No.

23 Q. You didn't hear that?

24 A. I didn't hear that. I did not  
25 hear that.

1 B. SOCHACZEWSKI

2 Q. Have you ever heard of a  
3 peeping Tom?

4 A. I have heard the expression. I  
5 certainty heard the expression.

6 Q. Have you ever heard of people  
7 putting a camera in a dressing room, a  
8 changing room, a locker room, a bathroom?

9 A. I have definitely heard of  
10 people doing that. I am just saying --

11 Q. But those are all ways that a  
12 naked picture of somebody could exist and  
13 the person in the picture is truly a  
14 victim.

15 MR. GUZIK: Is that a question?

16 Q. Correct?

17 A. Possibly.

18 Q. When you got this call from  
19 this mother, did you take any steps to  
20 determine if the plaintiff had been a  
21 victim?

22 A. I did not. I did not think in  
23 those terms because I didn't -- I did not  
24 see how something like that can be  
25 determined.

1 B. SOCHACZEWSKI

2 Q. You said that you didn't think  
3 it was a potential issue of child abuse if  
4 the plaintiff herself had sent out a  
5 picture?

6 A. Correct.

7 Q. Let's relate back to what you  
8 told us earlier about the naive girl who  
9 had been texting with someone who she had  
10 never met, right, and he was tricking her?

11 A. I don't know if he was tricking  
12 her. He was setting up to meet her. And I  
13 didn't see the conversation. I heard about  
14 the conversation through a parent who is  
15 friends of the girl who was nervous for her  
16 and therefore told the parent. The parents  
17 contacted us and that is why we contacted  
18 the parents. The parents came down. The  
19 parents came down, didn't believe it at  
20 first. The parents are a little naive as  
21 well and then we called in the girl and she  
22 admitted it. We took it from there.  
23 Again, that was not a red line that was  
24 crossed in my mind at least.

25 Q. Have you ever heard of an adult

1 B. SOCHACZEWSKI

2 trying to or an older person trying to  
3 trick a young girl over the internet?

4 A. I have definitely heard of  
5 cases like that.

6 Q. Have you heard of cases where  
7 within the Jewish Community where an adult  
8 tried to trick a high-school-aged girl into  
9 engaging in sexual conduct whether it's  
10 pictures or physical contact?

11 A. I can't think of anything  
12 offhand. I will concede it could happen.

13 Q. Did you ever hear of the case  
14 of Rabbi Nathan David Rabinovich?

15 A. I did hear.

16 Q. You heard about that case?

17 A. I did hear.

18 Q. He tried to have a sexual  
19 liaison with a 14-year-old girl that he met  
20 over the internet, that was the allegation.

21 A. That was the allegation.

22 Q. If he had tricked the girl into  
23 sending him a naked picture of herself she  
24 would be a victim, right?

25 A. Yes. I guess so.

1 B. SOCHACZEWSKI

2 Q. Should she be thrown out of  
3 school after being victimized like that?

4 A. Again, I would need all the  
5 facts in front of me.

6 Q. You don't know whether --

7 A. I don't know what the facts  
8 from the case are. I don't know specific  
9 facts; What led up to it, what the history  
10 was. It's just something that you are  
11 pulling out of a hat. I can't really make  
12 a clear determination of that.

13 Q. As we just said these things do  
14 happen within the Jewish community; there  
15 is no immunity?

16 A. Correct.

17 Q. Michael Sabo, did you ever hear  
18 of Michael Sabo?

19 A. No.

20 Q. That is the one with the gay --

21 A. The Shulamith kids?

22 Q. Four daughters in Shulamith.

23 A. I live so close to Shulamith  
24 and I can't even -- I never heard of it.

25 Q. Multiple daughters in Shulamith